

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: March 19, 2009

ZMAP 2008- 0019; BARONWOOD

DECISION DEADLINE: December 11, 2009

ELECTION DISTRICT: Potomac

PLANNER: Jane McCarter

EXECUTIVE SUMMARY

Baronwood Associates Limited Partnership of Bethesda, Maryland has submitted an application to rezone approximately 9.4 acres from the PD-IP (Planned Development–Industrial Park) zoning district under the 1972 Zoning Ordinance to the PD-IP (Planned Development–Industrial Park) zoning district under the Revised 1993 Zoning Ordinance. The property is improved with an existing 105,922 square foot Commercial-Industrial warehouse and office use with a Floor Area Ratio (FAR) of 0.26. No new development is proposed with this application. The property is located within the Route 28 Taxing District. The property is also located partially within the AI (Airport Impact) Overlay District, partially outside of but within one (1) mile of the Ldn 60 aircraft noise contour and located partially within the FOD (Floodplain Overlay District). The property is located on east of Sully Road (Route 28), south of East Severn Way (Route 847) and west of Atlantic Boulevard (Route 1902) at 45449 East Severn Way in the Potomac Election District. The area is governed by the policies of the Revised General Plan, the Bicycle and Pedestrian Mobility Master Plan, and the Revised Countywide Transportation Plan, which designate this area for Keynote Employment and which recommend Commercial-Industrial uses at a FAR of 0.40.

RECOMMENDATION

The application is consistent with the comprehensive plan policies and Staff recommends approval of the application. The Draft Proffer Statement, providing solely substantial conformance with the Concept Development Plan, is under review with the County Attorney.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2008-0019, Baronwood, to the Board of Supervisors with a recommendation of approval subject to the draft proffer statement dated March 1, 2009 and with the Findings in the March 19, 2009 staff report.

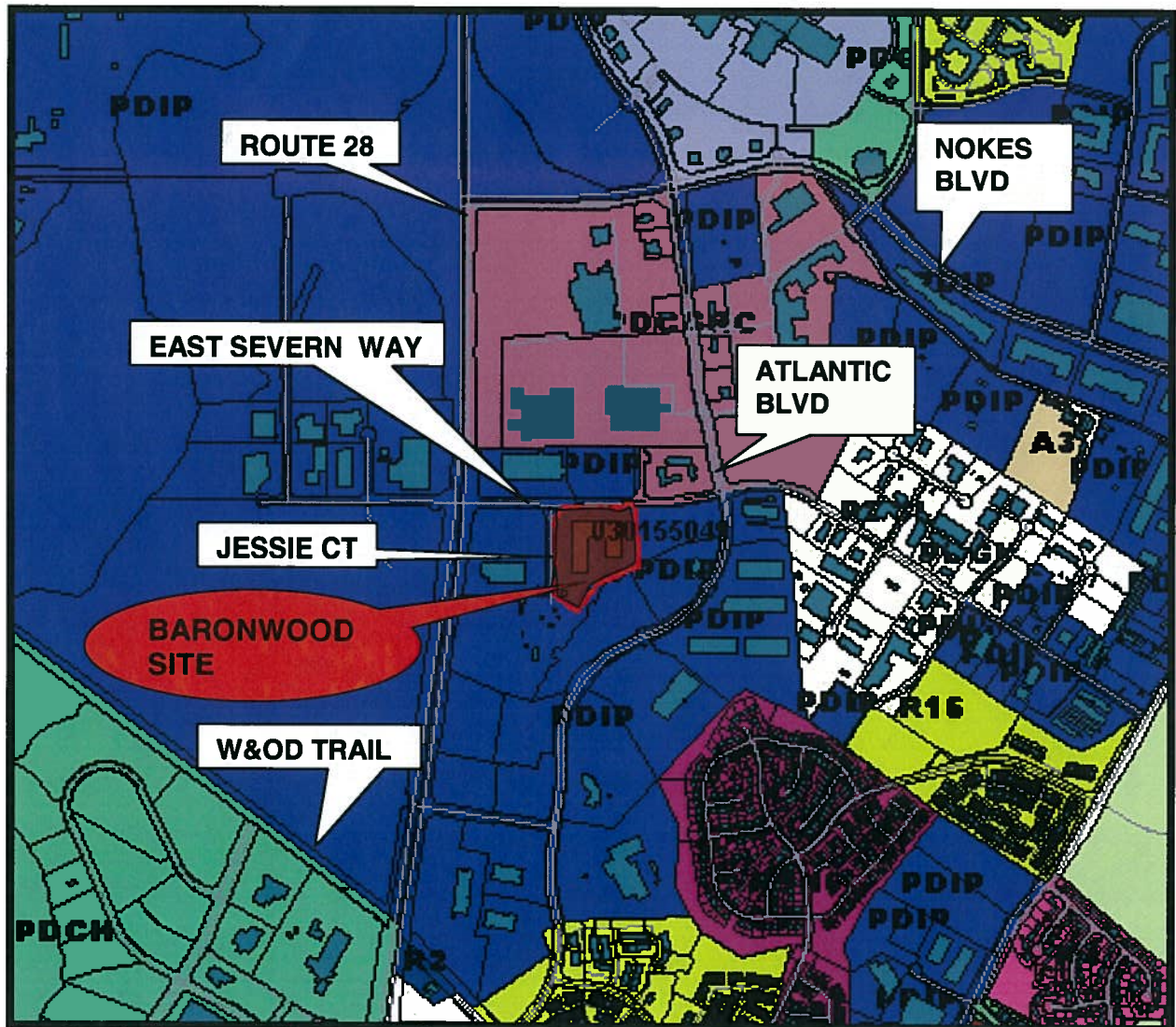
Or

2. I move that the Planning Commission forward ZMAP 2008-0019, Baronwood, to a Planning Commission worksession for further discussion.

Or

3. I move that the Planning Commission forward ZMAP 2008-0019, Baronwood, to the Board of Supervisors with a recommendation of denial based on the following Findings.

VICINITY MAP



Directions: From Leesburg go east on Route 7 approximately 8 miles to the intersection with Sully Road (Route 28) on the right. Turn right onto Route 28 and proceed south about 1.5 miles to the intersection with East Severn Way. Turn left onto East Severn Way. The site is located on the right immediately after passing the Alban Tractor site and Jessie Court on the right.

The above map shows the zoning of the adjacent parcels, which are nearly all PD-IP with one PD-CC-RC parcel, as well as the nearby parcels.

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I. APPLICATION INFORMATION

APPLICANT Baronwood Associates Limited Partnership
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Bethesda, MD 20186
301-440-5529

REPRESENTATIVE Public Private Solutions Incorporated
Dr. Rosemarie A. Pelletier, Principal
313 Wingate Place, SW
Leesburg, VA 20175
703-777-8987

PROPOSAL Zoning map amendment to convert approximately 9.35 acres from PD-IP under the 1972 Zoning Ordinance to PD-IP under the Revised 1993 Zoning Ordinance.

Application accepted by the County on December 11, 2008.

LOCATION The property is located on east of Sully Road (Route 28), south of East Severn Way (Route 847) and west of Atlantic Boulevard (Route 1902) at 45449 East Severn Way.

TAX MAP/PARCEL Tax Map and Parcel: 80((16))1
PIN: 030-15-5049-000

ZONING PD-IP 1972 Zoning Ordinance

ACREAGE OF REQUEST SITE Approximately 9.35 acres.

SURROUNDING ZONING/ LAND USES:

	<u>Zoning</u>	<u>Present Land Uses</u>
North	PD-IP	Commercial Industrial
South	PD-IP	Commercial Industrial
East	PD-IP	Commercial Industrial
West	PD-IP	Commercial Industrial

II. SUMMARY	
Referral Agency or Topic Area	Issues Examined and Status
Community Planning	<ul style="list-style-type: none"> • Land Use Policies The site is governed under the policies of the <u>Revised General Plan</u>, the <u>Bicycle and Pedestrian Mobility Master Plan (BPMMP)</u>, the <u>Countywide Transportation Plan (CTP)</u>, and the <u>Eastern Loudoun Area Management Plan (ELAMP)</u>. Land use policy supports the conversion to the current zoning regulations (<i>RGP Chapter 4; Economic Development Policy</i>). Status: Resolved as proposal is consistent with policy to convert property to the current zoning ordinance. • Policy Areas The subject property is located in the Sterling Community of the Suburban Policy Area and is designated as a Keynote Employment Area (<i>RGP Chapter 6; Suburban Policies; Business; Keynote Employment Centers</i>). Status: It is acknowledged that the site and building is within the Keynote Employment Area and does not currently meet policy guidelines for Keynote of a single use with ancillary services such as a large scale regional office development, however, the conversion to the <u>Revised 1993 Zoning Ordinance</u> will allow approximately 40 additional uses, including office uses, that will provide greater flexibility in leasing the entire building and provide more employment opportunities.
Transportation	<ul style="list-style-type: none"> • Level of Service Weekday peak hour level of service must be maintained at "D" for East Severn Way (<i>CTP Chapter 4</i>) Status: Resolved with Level of Service "C" for East Severn Way. In addition Atlantic Boulevard will operate at acceptable levels of service to 2012. Forecasted LOS until 2030 is also acceptable. • Adequate Access Atlantic Boulevard, Route 28, and East Severn Way were reviewed to ensure adequate access to the site (<i>CTP Appendix 1</i>). Status: Resolved. Atlantic Boulevard is constructed to ultimate section of four-lane median divided major collector road. East Severn Way is a local business access road constructed to ultimate section. East Severn Way intersections with Atlantic Boulevard and Route 28 are signalized. VDOT intends to close the Route 28 intersection with East Severn Way once the grade separated interchange of Route 28 and Nokes Boulevard is completed.

Zoning Administration	<ul style="list-style-type: none">• PD-IP uses in <u>Revised 1993 Zoning Ordinance</u> Approval of this application will permit the development of all permitted and accessory uses listed in the <u>Revised 1993 Zoning Ordinance</u> for PD-IP districts (<i>ZO Sections 4-503; Permitted Uses</i>). Status: Resolved with list of permitted uses included in both the <u>1972 and Revised 1993 Zoning Ordinances in Attachment A-26</u>. The existing uses under <u>1972 Zoning Ordinance</u> are limited and largely warehouse. There are 40 additional uses included in PD-IP in the <u>Revised 1993 Zoning Ordinance</u> including the recently added office uses.• Corrections to the Plat Notes Correct plat notes to address floodplain overlay district, steep slopes, parking and building setbacks, and project name and application number (<i>ZO Sections 4-503; Permitted Uses, 4-505 and 4-506; Parking and Building Setbacks, 4-1500; Floodplain Overlay District, and 5-1508, Steep Slopes</i>). Status: Resolved as Applicant has made revisions to concept development plan notes in accordance with staff recommendations.
Proffers	<ul style="list-style-type: none">• Substantial Conformance Review of the proffer statement by the County Attorney for this application indicating substantial conformance with the concept development plan (<i>RGP Chapter 3 and ZO Section 6-1209(E)</i>). Status: Unresolved. Under Review.

III. FINDINGS

1. The conversion of this property to the Revised 1993 Zoning Ordinance will be more consistent with the land use policies contained in the Revised General Plan.
2. The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District.
3. The proposal complies with the requirements of the Revised 1993 Zoning Ordinance.
4. The proposal complies with the Countywide Transportation Plan as it maintains an acceptable level of service with the existing site development.

V. PROJECT REVIEW

A. CONTEXT

The Baronwood Associates Limited Partnership of Bethesda, Maryland has submitted an application to convert approximately 9.35 acres zoned Planned Development – Industrial Park (PD-IP) from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance. The subject property is located in the Route 28 Taxing District, and is governed under the provisions of the 1972 Zoning Ordinance unless an applicant rezones the property to the current Ordinance. The purpose of the Tax District is to generate funds for large-scale transportation improvements, such as grade-separated interchanges, within the Tax District.

The applicant is seeking a zoning conversion in order to permit the additional uses permitted and permissible by special exception within the PD-IP district under the Revised 1993 Zoning Ordinance without affecting any of the current uses under the current leases of the subject property. Current uses include a bakery, warehouses, printing, and office uses. The daycare use approved with SPEX 1992-0025 has been discontinued as the tenant has vacated the property. Currently 25% of the property is vacant. The Applicant seeks the additional uses permitted under the Revised 1993 Zoning Ordinance to better serve the business and nearby residential communities in this area.

The applicant is not proposing any additional construction or physical changes to the existing 105,922 square foot U shaped building. The existing building is a one story warehouse/office structure. Independent of this application the applicant has submitted a site plan application to add 80 parking spaces and revise the landscaping and stormwater management pond on the site.



B. SUMMARY OF OUTSTANDING ISSUES

There remain no outstanding staff issues with this application as proposed. The proffer statement continues review with the County Attorney and Zoning. Staff will provide an update at the public hearing.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan, the Bicycle and Pedestrian Mobility Master Plan (BPMMP), the Countywide Transportation Plan (CTP), and the Eastern Loudoun Area Management Plan (ELAMP). Being newer than the ELAMP, the Revised General Plan supersedes the ELAMP when there is a policy conflict between the two (Revised General Plan, Relationship to Other County Planning Documents text, Chapter 1). The subject property is located in the Sterling Community of the Suburban Policy Area and is designated as a Keynote Employment Area.

LAND USE

The area encompassing the subject site is planned and designated for Keynote Employment uses as outlined in the Revised General Plan. Keynote Employment uses are defined as highly visible, large scale regional office developments, including office parks, research and development parks, corporate headquarters and similar uses with ancillary services necessary to support the predominant office use. The land use mix for Keynote Employment areas calls for a percentage of regional office, commercial retail and services, public and civic uses, and public parks and open space.

Currently the property has a number of businesses located within the structure that include a bakery, warehousing, printing, and office uses. It is acknowledged that while the site and building are within the Keynote Employment Area, they do not currently meet policy guidelines for Keynote of a single use with ancillary services such as a large scale regional office development.

The subject property and site are located within the Route 28 Tax District. The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District.

The Plan states: "The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance" (Revised General Plan, Chapter 4, Economic Development Policy 14). As such, the proposed conversion to the most current Zoning Ordinance is appropriate. The conversion to the Revised 1993 Zoning Ordinance will allow approximately 40 additional uses, including office uses, that will provide greater flexibility in leasing the entire building and may provide more employment opportunities.

Staff finds that the submitted Zoning Map Amendment (ZMAP) application for the conversion of the subject property, which is zoned Planned Development – Industrial Park (PD-IP), from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance is in conformance with the policies of the Revised General Plan.

There are no outstanding issues and Staff supports the Applicant's request for a Zoning Map Amendment (ZMAP) and can recommend approval of the application.

ZONING

The zoning map amendment area is currently an existing 105,922 square foot U shaped building. The applicant is not proposing any additional construction to the site. The existing building is a one story warehouse/office structure. The parcel under consideration for a zoning map amendment is currently zoned PD-IP under the 1972 Loudoun County Zoning Ordinance. Conversion to the Revised 1993 Zoning Ordinance will provide the opportunity for an additional 40 potential uses, including office uses, within the PD-IP district, as noted in *Attachment A-26*, and will bring the property into conformance with the intent of the Revised General Plan which encourages conversion to the newer ordinance.

The Applicant has provided corrections to the notes on the concept development plan that address steep slopes, floodplain, and parking and building setbacks in response to Staff comments. Staff has no outstanding issues with the application.

TRANSPORTATION

The existing 105,922 square foot U shaped building is a one story warehouse/office structure which is served by two entrances onto East Severn Way. The facility provides for a variety of industrial park uses.

Atlantic Boulevard adjacent to the project site is currently a four-lane median divided major collector road. This is its ultimate planned section in the Countywide Transportation Plan (CTP – Appendix 1) and the intersection with East Severn Way is signalized.

East Severn Way, a local business access road, also constructed to its ultimate section, is currently signalized at both the intersection with Atlantic Boulevard and the intersection with Route 28 (CTP – Appendix 1). VDOT has indicated it will close the intersection with Route 28 when the Route 28/Nokes Boulevard grade separated intersection construction has been completed. The weekday peak hour Level of Service "C" is expected to remain adequate in the near future.

The forecasted traffic volumes indicate an acceptable Level of Service "C" for the area through 2030 in the traffic forecasts conducted for the CTP in the report "Traffic Statement for Route 28 ZMAP Applications to the Current Zoning Ordinance (aka Zoning Conversions)" produced by Staff for the Transportation and Land Use Committee report to the Board of Supervisor's Action Item dated April 28, 2008.

Staff has no outstanding issues with the application.

COUNTY ATTORNEY

The proffer statement dated March 3, 2009 is under review by the County Attorney. The sole proffer within the statement is to ensure substantial conformance with the concept development plan included with this staff report.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

The Revised 1993 Zoning Ordinance (Section 6-1211(E)) requires that consideration be given to matters for reclassification of property to a different zoning district. The following considerations from this Ordinance section apply to the application:

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance in order to provide consistent development patterns within the District. The Plan also calls for Keynote Employment in this area and this application does not currently meet policy guidelines for Keynote of a single use with ancillary services such as a large scale regional office development, however, the conversion to the Revised 1993 Zoning Ordinance will allow approximately 40 additional uses, including office uses, that will provide greater flexibility in leasing the entire building and provide more employment opportunities.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

The area immediately surrounding the site is office/industrial. The existing uses are compatible with the immediate industrial and commercial uses. Transportation changes in the area will reduce the traffic immediately along Severn Way as grade separated interchanges planned, and currently under construction for, Route 28 at Nokes Boulevard will eliminate the intersection of Route 28 at East Severn Way. It is anticipated the removal of this intersection will reduce the level of traffic on East Severn Way at that time.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

The area surrounding the site is office/industrial. The existing uses are compatible with the immediate industrial and commercial uses. Rezoning to the Revised 1993 Zoning Ordinance will provide additional permitted use opportunities.

(4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

The property is within the Suburban Policy Area, which provides utilities and infrastructure to support the allowable uses of the PD-IP Zoning District. Public water and sewer currently serves the development. Road infrastructure in place serves the development acceptably at a Level of Service "C". Road construction underway for Nokes Boulevard and Route 28 intersection will eliminate the intersection of East Severn Way and Route 28 and is anticipated to reduce the level of traffic on East Severn Way at that time. There are no school impacts associated with this proposal.

(5) The effect of the proposed rezoning on the County's ground water supply.

The existing uses are served by public water and sanitary sewer. Consequently, rezoning to the permitted uses within the existing PD-IP district will not have adverse impacts on the County's groundwater supply. Stormwater detention currently exists onsite and groundwater impacts are compliant with County policy.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

A detailed geotechnical report for the property has been submitted as part of the site plan process for the development of the Property. The site is built out and compliance with the Revised 1993 Zoning Ordinance should have no impact upon that structural capacity of the soils.

(7) The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

Regional transportation network has been substantially built out to ultimate levels and is successfully handling the existing traffic generated by this development. No further construction is anticipated with this rezoning.

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

The existing zoning is currently by-right PD-IP development under the 1972 Zoning Ordinance. The rezoning seeks to convert this to the 1993 Revised Zoning Ordinance in the same district of PD-IP. While a reasonably viable economic use of the property currently exists the rezoning would bring the property into conformance with the goals of the Revised General Plan. The proposed rezoning designation permits additional uses compatible with the surrounding business communities.

(9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

The site has been built out with the inclusion of stormwater management facilities located to ensure preservation of floodplain, steep slopes, landscape buffers, and tree save areas as open space.

(10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

The Revised General Plan supports economic development activities within the Route 28 district and the proposed rezoning will provide more potential employment opportunities within the PD-IP district under the 1993 Revised Zoning Ordinance than under the 1972 Zoning Ordinance. The uses could directly enlarge the tax base and contribute to economic development activities within the area inclusive of retail, service, and recreational activities. Staff acknowledges the application does not currently meet policy guidelines for Keynote Employment of a single use with ancillary services such as a large scale regional office development, however, the conversion to the Revised 1993 Zoning Ordinance will allow approximately 40 additional uses, including office uses, that will provide greater flexibility in leasing the entire building and provide more employment opportunities.

(11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

The proposed use will continue to provide a desirable location for businesses and industry with more uses permitted under the 1993 Revised Zoning Ordinance. This will have an impact on industry and businesses in future growth as the appropriate business site locations shrink within the County. The proposal will have no impacts upon agricultural land.

(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

In retaining the PD-IP zoning district for the subject property future development ensures that this area will continue to be used for business and employment as envisioned by the Revised General Plan.

(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

The business and industrial park uses are appropriate and encouraged to continue in this zoning district. The Revised General Plan supports continued planning for business areas within the Suburban Policy Area, in the Route 28 Tax District, and further encourages conversion to the 1993 Revised Zoning Ordinance.

(14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County.

The proposed conversion considers the trends of growth and changes, employment and economic factors as it increases the marketability and flexibility of the property. The Revised General Plan encourages the development of business uses and supports the increased flexibility for permitted uses as provided under the 1993 Revised Zoning Ordinance. These provisions encourage future economic growth and anticipate future employment opportunities in an area planned for this growth along the Route 28 corridor.

(15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

The proposed rezoning does not provide any affordable dwelling units or smaller housing units within the community.

(16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

The use is located outside the floodplain and steep slopes area nearby. There is no impact from the existing development upon these resources. The floodplain, and steep slopes areas have been preserved as open space. Existing stormwater facilities onsite have been located outside these areas in accordance with the County Facilities Standards Manual to ensure acceptable water quality of stormwater runoff. There are no significant topographic, physical, natural, or scenic features present.

VI. ATTACHMENTS (Unless noted otherwise, attachments may be obtained from the Department of Planning)	PAGE NUMBER
1. Review Agency Comments	
a. Community Planning Referral: 1/9/09	A-1
b. Zoning Administration Referral: 12/17/08	A-3
c. Office of Transportation Services Referral: 1/7/09	A-4
d. VDOT Referral: 1/12/09	A-5
2. Disclosures of Real Parties in Interest	A-6
3. Applicant's Statement of Justification	A-15
4. Applicant's Responses to Referral Agency Comments	A-22
5. Proffer Statement	A-24
6. Permitted Uses from 1972 and 1993 Zoning Ordinances for PD-IP	A-26
7. Plat	Following Attachments